

short duration after rainfall. Federal regulations have never defined ditches and other upland drainage features as waters of the United States. But this proposed rule does, and it will have a huge impact on farmers, ranchers and small businesses that need to put a shovel in the ground to make a living.

Dennis knows what the true impact of this rule will be to rural communities. He is a fourth-generation rancher from Central, WY. Mr. Sun stated in his column that “according to the EPA, the proposed definition of waters of the U.S. would increase predictability and consistency for CWA programs, and as a lot of folks see it—that’s right—we know we would go out of business instead of just maybe.”

Dennis goes on to say that “our government has run amuck, and we shouldn’t like it. . .” He is right. This proposed rule by the administration is circumventing Congress by effectively writing navigable out of the Clean Water Act, thus allowing the EPA and Army Corps of Engineers to seize all wet areas of the States. Just as troubling as ignoring congressional intent, the proposed rule disregards the fundamental tenet embodied in two landmark cases decided by the U.S. Supreme Court that there are limits to Federal jurisdiction.

This unprecedented exercise of power will allow Environmental Protection Agency to trump States’ rights and wipe out the authority of State and local governments to make local land and water use decisions. This is particularly troubling when we have seen no evidence that the States are misusing or otherwise failing to meet their responsibilities.

The uncertainty this rule creates only delays economic investment and job creation. It defies logic to think this proposed rule will benefit anybody but bureaucrats in Washington who are far removed from the communities between the coasts.

Mr. President, I urge my colleagues to stand with ranchers like Dennis Sun. Stand with those who understand the land best and not with extremists outside and within this administration who do not know how to run a farm, a ranch, or a small business.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wyoming Livestock Roundup,
June 21, 2014]

MUDDYING THE WATERS
(By Dennis Sun)

As we all realized on April 21, the Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers posted their proposed definition for “waters of the U.S.” protected under the Clean Water Act (CWA) in the Federal Register, and that triggered a 90-day public comment period.

EPA Administrator Gina McCarthy said during a Senate Appropriations Subcommittee hearing that current exemptions for the CWA permitting for normal farming, ranching and agricultural practices are kept intact in the proposal.

She added, “If a farmer was not legally required to have a permit before, this rule does

not change that status. The proposal does not add or expand the scope of waters protected under the CWA.”

Well, after those words, the fight was on by those in the farming and ranching industry, along with local governments and the nation’s business community. According to the EPA, the proposed definition of waters of the U.S. would increase predictability and consistency for CWA programs, and as a lot of folks see it—that’s right—we know we would go out of business instead of just “maybe.”

At the same time, 231 U.S. Representatives sent a letter to the EPA and Corp of Engineers asking them to back off this proposed rule to expand federal control under the CWA. They said the proposed rule would redefine waters of the U.S. under the CWA based on a narrow opinion by Justice Anthony Kennedy in a 2006 Supreme Court decision that said an isolated water, like a stock pond or a ditch, doesn’t have to have a surface water connection to a downstream navigable water to be considered a “waters of the United States.”

Justice Antonin Scalia wrote the plurality opinion on the case, and his opinion differed from Kennedy’s by saying that waters of the U.S. include only those relatively permanent, standing or continuously flowing bodies of water like streams, rivers and lakes. Justice Scalia specifically noted that waters of the U.S. do not include channels that only hold water periodically and are only wetlands with a continuous surface connection to bodies of water that are waters of the U.S.

The EPA and Corps chose to base the final rule on the Kennedy opinion. That was a concern that the Congressmen raised in their letter, which read, “Contrary to your agencies’ claims this would directly contract prior U.S. Supreme Court decisions which imposed limits on the extent of federal CWA authority. Based on legally and scientifically unsound view of the significant nexus concept espoused by Justice Kennedy, the rule would place features such as ditches, ephemeral drainages, ponds, natural and manmade, seeps, prairie potholes, flood plains and other occasionally or seasonally wet areas under federal control.”

There lies the fight. Congressman Chris Collins (R-N.Y.) said, “Enough is enough with regard to federal overreach on U.S. farms and ranches. When the bureaucrats at the EPA decide to call a divot in the ground that fills with rain a navigable waterway under the CWA, we know that our federal government has run amuck.”

Well, our government has run amuck, and we shouldn’t like it—that is all the reason to get your comments in before the Oct. 20 deadline. This deadline extension gives us a valuable opportunity so take advantage of it. If you’re wondering just how to submit your comments, read more in this week’s Round-up.

MEDICARE’S 49TH BIRTHDAY

Mr. NELSON. Madam President, this week Medicare is turning 49 years old. Since July 1965, Medicare has provided critical access to health care benefits for older Americans and people with disabilities. Florida alone is home to over 3.5 million Medicare beneficiaries.

Medicare has become a landmark program based on its popularity among beneficiaries and the comprehensive benefits offered. In 1959, almost 4 out of 10 Americans over age 65 were living below the poverty line, as compared with about 1 in 10 seniors living in poverty in 2000. Prior to Medicare, seniors

paid almost half of the cost of their health; in 1997, seniors paid only 18 percent of their health care costs. Medicare pulled millions of Americans out of poverty by not only providing them with important health benefits, but also by enabling seniors to use their hard-earned retirement savings for needs other than their health care.

As chairman of the Senate Aging Committee, I understand that Medicare is essential to the Nation, particularly as the baby boom generation enters retirement. Those served by Medicare often have modest incomes and complex health conditions that depend on these lifesaving benefits. As a committee, we have looked at Medicare’s prescription drug benefit, researched ways to eradicate fraud and waste in the program, and ensured that seniors have access to quality, affordable care. In fact, just yesterday, the committee convened a hearing about how to improve Medicare beneficiaries’ access to skilled nursing care.

The Affordable Care Act has helped to reduce costs, increase benefits, and improve health care delivery for Medicare beneficiaries. Earlier this year, Derrick in Tampa wrote to me about how much the ACA has meant to his family in providing care for his mother. His mother was the victim of gun violence and will need extensive medical care for the rest of her life. So Derrick wrote that when Congress passed the ACA, “I was excited for my mother and the many others” who will benefit from the improvements in providing health care to America’s seniors. For example, thanks to a provision I fought for in the ACA, Floridians have saved more than \$756 million on their prescription drugs.

While we can still make improvements, the Medicare trustees report, released earlier this week, reported that the Medicare hospital insurance trust fund solvency has been extended by 4 additional years from last year’s estimate and 13 years longer than it was prior to the passage of the Affordable Care Act. Today, Medicare is more solvent than it was in 1965.

It is our job, in Congress, to ensure that Medicare is available for all Americans when they need it and, as was the case for Derrick’s mother, when they are impacted by “circumstances not of their own doing.” Though the new projections are encouraging, we must continue to work to preserve Medicare for generations to come.

WAINWRIGHT DEW LINE LAND ACQUISITION ACT

Ms. MURKOWSKI. Madam President, I have introduced legislation to authorize the Federal Government to dispose of a piece of property on Alaska’s North Slope that it no longer needs or wants but is of great importance to the Inupiat residents of the North Slope.

Specifically, I am introducing a companion bill to legislation that has also